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12 DEC 2006

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In re Application of
Theo STAHELI
Application No.: 10/558,153
PCT No.: PCT/CH04/00311
Int. Filing Date: 21 May 2004
Priority Date: 23 May 2003
Attorney Docket No.:5763
For: METHOD FOR PRODUCING
COMPRESSED, PLASTIC-COATED ROVINGS

DECISION ON
DECLARATION

This is a decision on applicants' "Response to Notification of Missing Requirements", filed on 12 September 2006 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 23 November 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 17 July 2006, a Notification of Missing Requirements was mailed to applicant indicating that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required. The Notification set a two month time limit within which to respond. Extensions of time were available under 37 CFR 1.136(a).

On 12 September 2006, applicant filed a declaration, identifying the international application and listed Christian Jentgens, Kurt Lehmann, Donat Frei and Theo Staheli as inventors. Theo Staheli was listed as the sole inventor in the published international application. Applicant did not provide Form PCT/IB/306 adding Christian Jentgens, Kurt Lehmann, Donat Frei as co-inventors.

DISCUSSION

A review of international application PCT/CH04/00311 reveals that Christian Jentgens, Kurt Lehmann, and Donat Frei were not named as inventors in the published international application.

The declaration is unacceptable because (1) it was not executed in accord with 37 CFR 1.66 or 1.68 and (2) inventors Christian Jentgens, Kurt Lehmann, Donat Frei were not listed on the published application. Applicant has not indicated that a Request for the Recording of A Change to add Christian Jentgens, Kurt Lehmann and Donat Frei as a co-inventors under PCT

Rule 92bis in PCT/CH04/00311 was filed with the RO/CH and granted by the International Bureau prior to the expiration of the 30 month period.

The declaration submitted on 12 September 2006 erroneously identifies Christian Jentgens, Kurt Lehmann and Donat Frei as co-inventors and thus is not in compliance with 37 CFR 1.497(a) and (b). If Christian Jentgens, Kurt Lehmann and Donat Frei were not accepted under PCT Rule 92bis as co-inventors, it is improper to accept the declaration identifying them as co-inventors.

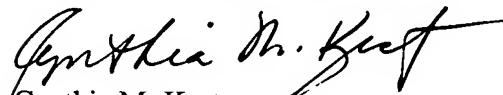
Applicant is advised to provide information regarding how the inventors were added to the international application, that is, Form PCT/IB/306. In the alternative, applicant may wish to consider filing a petition under 37 CFR 1.497(d) to add Christian Jentgens, Kurt Lehmann and Donat Frei as inventors in the U.S. national stage application.

CONCLUSION

The declaration executed by Christian Jentgens, Kurt Lehmann and Donat Frei as a joint inventors in the above referenced application is unacceptable and not in compliance with 37 CFR 1.497(a) and (b). A new declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by the inventors as listed in the published international application, is required.

Applicant is advised that he must provide a complete response within the time limit of ONE month from the mail date of this decision. No extension of this time limit may be granted under 37 CFR 1.136 but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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